

### **REMARKS**

This is in full and timely response to the pending action of July 14, 2006. Reexamination and reconsideration are respectfully requested.

#### **Priority Acknowledgement**

It is noted with appreciation that the certified copies of the priority documents in support of the claim for priority have been received.

#### **IDS**

It is also noted with appreciation that the IDS at filing presenting documents from the International Search Report is acknowledged in an attachment to the pending Action.

#### **Preliminary Amendment**

Though not specifically acknowledged, a First Preliminary Amendment was submitted on May 18, 2006 and is believed to be the document containing the claims considered by the examiner. In any event, the claims as here presented are based on those presented in that paper.

#### **Claims**

Claims 1 to 42 were pending in this application as filed.

#### **Claims 29 to 42**

Claims 29 to 42 were among the claims rejected in section 5 on page 9 of the Official Action. Without indicating agreement with or acquiescence in the statement of the rejection based on a combination of references, claims 29 to 42 are here canceled to expedite the close of prosecution of this application.

#### **Claims 1, 3, 7, 15 and 21 as initially rejected as anticipated by Nakao '097**

This rejection was stated in section 3 on pages 2 to 5 of the Action. Of these claims, only claims 1 and 15 are independent claims. Each of the independent claims 1 and 15 is amended to include the subject matter of claims 2 and 16 respectively, so that the rejection of these claims is now arguably overcome. Thus, claims 2 and 16 are canceled in that their subject matter is included in the independent claims for which reexamination and reconsideration are sought.

It is noted that as amended, with the limitation of claim 2, for example, the light source 22 is attached to a face of the optical member 21, 17 perpendicular to the one face and the other face. However, in Nakao, a light source 1 is attached to a face of a transparent substrate 2 which is parallel to a recording medium. Thus, the position of the light source 1 of the Nakao reference is different from that now claimed for the invention in claims 1 and 15.

That limitation finds support in original claims 2 and 16 which were afforded an inconsistent treatment in the initial Action. Claim 16, to the same effect as claim 2, but in combination with claim 15, is treated in the discussion in the first full paragraph on page 6 of the Action, while the limitations of claim 2 are treated in the paragraph spanning pages 5 and 6 of the Action. Thus, in view of the above submission, the findings are respectfully traversed. It is noted that claim 16 is not included in the statement of the claims there rejected as allegedly being unpatentable over Nakao.

Reference may be made in the specification as filed to the discussion of Fig. 12, with the embodiment of Fig. 1 as an improvement to that prior embodiment for dust control and miniaturization among other things. See generally pages 1 to 3 of the specification as filed, and the advantages briefly discussed at pages 29 and 30. The claimed invention of claims 1 and 15 can be seen by reference to Fig. 1 where the description at pages 17 to 20 notes that the light source 22 is

attached to the substrate 16, the optical member 21, 17 is also attached to the substrate 16, so that the light source 22 is attached to a face of the optical member perpendicular to the one face and the other face, referring to Fig. 1.

Accordingly, the rejection as stated is no longer tenable in view of the traversal of the findings relative to Nakano for the differences in the positions of the light source as claimed versus that disclosed in Nakao.

Remaining claims

The remaining claims 3 to 14, and 17 to 28 are patentable for the same reasons that amended claims 1 and 15 are patentable, and for their specific combinations as stated in these dependent claims.

The combination of Nakao '097 in view of Crane '473

This combination was applied to the claims noted in section 5 on page 9 to 16 of the Action, but claims 29 to 42 are here canceled. The appropriateness of the combination is also respectfully traversed as a responsive position separate from those responsive positions previously stated. The examiner has stated a conclusion that it would have been legally obvious to include the concept of the given support plate as allegedly taught by Crane into the system of Nakao to achieve "the" purpose of achieving precise, high performance head position, relying on col. 1, lines 59 to 63 of Crane. But this finding is a statement of result, not a reason for making the combination as is required in all combination rejections supporting section 103 rejections. See also a substantially identical finding at the top of page 11 to which that counterargument also applies.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Application No. 10/508,812  
Amendment dated September 11, 2006  
Reply to Office Action of July 14, 2006

Docket No.: SON-2651

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-2651 from which the undersigned is authorized to draw.

Dated: September 12, 2006

Respectfully submitted,

By  45,290

Ronald P. Kananen

Registration No.: 24,104  
RADER, FISHMAN & GRAUER PLLC  
Correspondence Customer Number: 23353  
Attorney for Applicant